

SAO 245B (CASD) (Rev. 4/14) Judgment in a Criminal Case
Sheet 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
14 JUL 29 PM 3:01

UNITED STATES OF AMERICA

v.

DONALD WAYNE VARNADO

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

Case Number: 14CR00283-LAB

MICHAEL MESSINA

Defendant's Attorney

REGISTRATION NO. 46242298

☐

THE DEFENDANT:

☒ pleaded guilty to count(s) ONE AND TWO OF THE INFORMATION

☐

was found guilty on count(s) _____

after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Count Number(s)</u>
21 USC 841(a)(1)	POSSESSION WITH INTENT TO DISTRIBUTE METHAMPHETAMINE	1
18 USC 924(c)(1)	POSSESSION OF A FIREARM DURING THE COMMISSION OF A DRUG TRAFFICKING CRIME	2

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☒ Count(s) REMAINING COUNT is ☒ are ☐ dismissed on the motion of the United States.

☒ Assessment: \$100.00 PER COUNT, TOTAL \$200.00

☒ No fine

☒ Forfeiture pursuant to order filed 7/23/14, included herein.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

JULY 28, 2014

Date of Imposition of Sentence

Larry A. Burns
HON. LARRY ALAN BURNS

UNITED STATES DISTRICT JUDGE

14CR00283-LAB

DEFENDANT: DONALD WAYNE VARNADO

CASE NUMBER: **14CR00283-LAB****IMPRISONMENT**

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of

COUNT 1 - 60 MONTHS

COUNT 2 - 60 MONTHS

ALL COUNTS TO RUN CONSECUTIVELY FOR A TOTAL OF 120 MONTHS

- ☐ Sentence imposed pursuant to Title 8 USC Section 1326(b).
- ☒ The court makes the following recommendations to the Bureau of Prisons:
PLACEMENT IN LOMPOC, CA AND PARTICIPATION IN THE RDAP (500 HOUR DRUG PROGRAM)

- ☐ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district:
☐ at _____ ☐ a.m. ☐ p.m. on _____
as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
☐ before _____
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHALBy _____
DEPUTY UNITED STATES MARSHAL**14CR00283-LAB**

DEFENDANT: DONALD WAYNE VARNADO
CASE NUMBER: **14CR00283-LAB**

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :
CNT 1 - 6 YEARS; CNT 2 - 5 YEARS; ALL COUNTS TO RUN CONCURRENTLY

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

For offenses committed on or after September 13, 1994:

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than 3 drug tests per month during the term of supervision, unless otherwise ordered by court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ☒ The defendant shall cooperate in the collection of a DNA sample from the defendant, pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000, pursuant to 18 USC sections 3563(a)(7) and 3583(d).
- ☐ The defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, et seq.) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense. (Check if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant must comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer in a manner and frequency directed by the court or probation officer;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: DONALD WAYNE VARNADO
CASE NUMBER: 14CR00283-LAB

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SPECIAL CONDITIONS OF SUPERVISION

- ☒ Submit person, property, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
- ☐ If deported, excluded, or allowed to voluntarily return to country of origin, not reenter the United States illegally and report to the probation officer within 24 hours of any reentry to the United States; supervision waived upon deportation, exclusion or voluntary departure.
- ☐ Not transport, harbor, or assist undocumented aliens.
- ☐ Not associate with undocumented aliens or alien smugglers.
- ☒ No gambling.
- ☒ Not enter the Republic of Mexico.
- ☒ Report all vehicles owned or operated, or in which you have an interest, to the probation officer.
- ☐ Not possess any narcotic drug or controlled substance without a lawful medical prescription.
- ☐ Not associate with known users of, smugglers of, or dealers in narcotics, controlled substances, or dangerous drugs in any form.
- ☐ Participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer. Allow for reciprocal release of information between the probation officer and the treatment provider. May be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- ☐ Take no medication containing a controlled substance without valid medical prescription, and provide proof of prescription to the probation officer, if directed.
- ☐ Provide complete disclosure of personal and business financial records to the probation officer as requested.
- ☐ Be prohibited from opening checking accounts or incurring new credit charges or opening additional lines of credit without approval of the probation officer.
- ☐ Seek and maintain full time employment and/or schooling or a combination of both.
- ☐ Resolve all outstanding warrants within _____ days.
- ☐ Complete _____ hours of community service in a program approved by the probation officer within _____
- ☐ Reside in a Residential Reentry Center (RRC) as directed by the probation officer for a period of _____
- ☒ Participate in a program of drug or alcohol abuse treatment, including urinalysis or sweat patch testing and counseling, as directed by the probation officer. Allow for reciprocal release of information between the probation officer and the treatment provider. The defendant shall be tested 3 times a month for one year. The probation officer may modify testing after one year if no dirty tests are reported.

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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 DONALD WAYNE VARNADO,

14 Defendant.

Case No. 14cr0283-LAB

AMENDED ORDER OF
CRIMINAL FORFEITURE

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16 On May 25, 2014, this Court entered its Order of Criminal Forfeiture, which
17 condemned and forfeited to the United States all right, title and interest of DONALD
18 WAYNE VARNADO in the properties listed in the Forfeiture Allegation of the
19 Information, namely,

- 20 a. One Bersa Model "Thunder 380" .380 caliber semi-automatic
21 pistol with serial number 981213; and
22 b. Seven (7) rounds of .380 caliber ammunition.

23 Pursuant to the order, ancillary proceedings were not required. However, it
24 was later decided that one third party should receive a special notice of the forfeiture.
25 Therefore, on May 21, 2014, notice was sent by certified mail as follows:

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<u>Name and Address</u>	<u>Article No.</u>	<u>Result</u>
Bonnie Andrea Sawyer c/o Amber Kirchenschlager, Esq. Office of the Alternate Public Defender County of San Diego 450 B Street, Suite 1200 San Diego CA 92101-8004	7013 1090 0001 1253 4601	Signed for as received on 6/2/14

Thirty (30) days have passed following the final date of notice by certified mail, and no third party has made a claim to or declared any interest in the forfeited properties described above.

Accordingly, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, as a result of the failure of any third party to come forward or file a petition for relief from forfeiture as provided by law, all right, title and interest of DONALD WAYNE VARNADO and any and all third parties in the following properties are hereby condemned, forfeited and vested in the United States of America:

- a. One Bersa Model "Thunder 380" .380 caliber semi-automatic pistol with serial number 981213; and
- b. Seven (7) rounds of .380 caliber ammunition.

IT IS FURTHER ORDERED that any and all interests of the following person are specifically terminated and forfeited to the United States of America as to the above-referenced properties:

Bonnie Andrea Sawyer.

IT IS FURTHER ORDERED that the above-referenced forfeited properties shall be disposed of as follows after the sentencing of the Defendant:

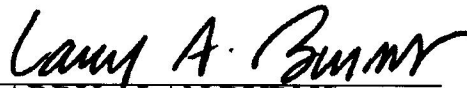
- a. The Bersa pistol was stolen; it is to be turned over to the El Cajon Police Department for return to the registered owner or assignee, or for other disposition as provided by state law, if the registered owner or assignee declines return or consents to the weapon's destruction.

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1 b. The above-referenced ammunition shall be destroyed according to law.
2 IT IS SO ORDERED.

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4 DATED: July 23, 2014

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6 LARRY ALAN BURNS
7 United States District Judge
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